

Corps of Engineers, Dept. of the Army, DoD

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- 334.1300 Blying Sound area, Gulf of Alaska, Alaska; air-to-air gunnery practice area, Alaskan Air Command, U.S. Air Force.
- 334.1310 Lutak Inlet, Alaska; restricted areas.
- 334.1320 Kuluk Bay, Adak, Alaska; naval restricted area.
- 334.1330 Bering Strait, Alaska; naval restricted area off Cape Prince of Wales.
- 334.1340 Pacific Ocean, Hawaii; danger zones.
- 334.1350 Pacific Ocean, Island of Oahu, Hawaii; danger zone.
- 334.1360 Pacific Ocean at Barber's Point, Island of Oahu, Hawaii; danger zone.
- 334.1370 Pacific Ocean at Keahi Point, Island of Oahu, Hawaii; danger zone.
- 334.1380 Marine Corps Air Station, (MCAS) Kaneohe Bay, Island of Oahu, Hawaii—Ulupau Crater Weapons Training Range; danger zone.
- 334.1390 Pacific Ocean at Barking Sands, Island of Kauai, Hawaii; missile range facility.
- 334.1400 Pacific Ocean, at Barbers Point, Island of Oahu, Hawaii; restricted area.
- 334.1410 Pacific Ocean, at Makapuu Point, Waimanalo, Island of Oahu, Hawaii, Makai Undersea Test Range.
- 334.1420 Pacific Ocean off Orote Point, Apra Harbor, Island of Guam, Marianas Islands; small-arms firing range.
- 334.1430 Apra Inner Harbor, Island of Guam; restricted area.
- 334.1440 Pacific Ocean at Kwajalein Atoll, Marshall Islands; missile testing area.
- 334.1450 Atlantic Ocean off north coast of Puerto Rico; practice firing areas, U.S. Army Forces Antilles.
- 334.1460 Atlantic Ocean and Vieques Sound, in vicinity of Culebra Island; bombing and gunnery target area.
- 334.1470 Caribbean Sea and Vieques Sound, in vicinity of Eastern Vieques; bombing and gunnery target area.
- 334.1480 Vieques Passage and Atlantic Ocean, off east coast of Puerto Rico and coast of Vieques Island; naval restricted areas.
- 334.1490 Caribbean Sea, at St. Croix, V.I.; restricted areas.

AUTHORITY: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

SOURCE: 50 FR 42696, Oct. 22, 1985, unless otherwise noted.

§ 334.1 Purpose.

The purpose of this part is to:

- (a) Prescribe procedures for establishing, amending and disestablishing danger zones and restricted areas;
- (b) List the specific danger zones and restricted areas and their boundaries; and

- (c) Prescribe specific requirements, access limitations and controlled activities within the danger zones and restricted areas.

[58 FR 37607, July 12, 1993]

§ 334.2 Definitions.

(a) *Danger zone.* A defined water area (or areas) used for target practice, bombing, rocket firing or other especially hazardous operations, normally for the armed forces. The danger zones may be closed to the public on a full-time or intermittent basis, as stated in the regulations.

(b) *Restricted area.* A defined water area for the purpose of prohibiting or limiting public access to the area. Restricted areas generally provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area.

[58 FR 37607, July 12, 1993]

§ 334.3 Special policies.

(a) *General.* The general regulatory policies stated in 33 CFR part 320 will be followed as appropriate. In addition, danger zone and restricted area regulations shall provide for public access to the area to the maximum extent practicable.

(b) *Food fishing industry.* The authority to prescribe danger zone and restricted area regulations must be exercised so as not to unreasonably interfere with or restrict the food fishing industry. Whenever the proposed establishment of a danger zone or restricted area may affect fishing operations, the District Engineer will consult with the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior and the Regional Director, National Marine Fisheries Service, National Oceanic & Atmospheric Administration (NOAA).

(c) *Temporary, occasional or intermittent use.* If the use of the water area is desired for a short period of time, not to exceed thirty days in duration, and that planned operations can be conducted safely without imposing unreasonable restrictions on navigation, and without promulgating restricted area regulations in accordance with the regulations in this section, applicants

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may be informed that formal regulations are not required. Activities of this type shall not reoccur more often than biennially (every other year), unless danger zone/restricted area rules are promulgated under this part. Proper notices for mariners requesting that vessels avoid the area will be issued by the Agency requesting such use of the water area, or if appropriate, by the District Engineer, to all known interested persons. Copies will also be sent to appropriate State agencies, the Commandant, U.S. Coast Guard, Washington, DC 20590, and Director, Defense Mapping Agency, Hydrographic Center, Washington, DC 20390, ATTN: Code NS 12. Notification to all parties and Agencies shall be made at least two weeks prior to the planned event, or earlier, if required for distribution of Local Notice to Mariners by the Coast Guard.

[58 FR 37607, July 12, 1993]

§ 334.4 Establishment and amendment procedures.

(a) *Application.* Any request for the establishment, amendment or revocation of a danger zone or restricted area must contain sufficient information for the District Engineer to issue a public notice, and as a minimum must contain the following:

(1) Name, address and telephone number of requestor including the identity of the command and DoD facility and the identity of a point of contact with phone number.

(2) Name of waterway and if a small tributary, the name of a larger connecting waterbody.

(3) Name of closest city or town, county/parish and state.

(4) Location of proposed or existing danger zone or restricted area with a map showing the location, if possible.

(5) A brief statement of the need for the area, its intended use and detailed description of the times, dates and extent of restriction.

(b) *Public notice.* (1) The Corps will normally publish public notices and FEDERAL REGISTER documents concurrently. Upon receipt of a request for the establishment, amendment or revocation of a danger zone or restricted area, the District Engineer should forward a copy of the request with his/her recommendation, a copy of the draft

public notice and a draft FEDERAL REGISTER document to the Office of the Chief of Engineers, ATTN: CECW-OR. The Chief of Engineers will publish the proposal in the FEDERAL REGISTER concurrent with the public notice issued by the District Engineer.

(2) *Content.* The public notice and FEDERAL REGISTER documents must include sufficient information to give a clear understanding of the proposed action and should include the following items of information:

(i) Applicable statutory authority or authorities; (40 Stat. 266; 33 U.S.C. 1) and (40 Stat. 892; 33 U.S.C. 3)

(ii) A reasonable comment period. The public notice should fix a limiting date within which comments will be received, normally a period not less than 30 days after publication of the notice.

(iii) The address of the District Engineer as the recipient of any comments received.

(iv) The identity of the applicant/proponent;

(v) The name or title, address and telephone number of the Corps employee from whom additional information concerning the proposal may be obtained;

(vi) The location of the proposed activity accompanied by a map of sufficient detail to show the boundaries of the area(s) and its relationship to the surrounding area.

(3) *Distribution.* Public notice will be distributed in accordance with 33 CFR 325.3(d)(1). In addition to this general distribution, public notices will be sent to the following Agencies:

(i) The Federal Aviation Administration (FAA) where the use of airspace is involved.

(ii) The Commander, Service Force, U.S. Atlantic Fleet, if a proposed action involves a danger zone off the U.S. Atlantic coast.

(iii) Proposed danger zones on the U.S. Pacific coast must be coordinated with the applicable commands as follows:

Alaska, Oregon and Washington:

Commander, Naval Base, Seattle

California:

Commander, Naval Base, San Diego

Hawaii and Trust Territories:

Commander, Naval Base, Pearl Harbor